

**IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT  
McHENRY COUNTY, ILLINOIS**

<b>IN RE THE MATTER OF PROCEDURES</b>	)	
<b>IN THE JUVENILE DIVISION,</b>	)	
<b>DELINQUENCY CASES PURSUANT TO</b>	)	
<b>THE RESUMPTION OF COURT</b>	)	<b><u>Juvenile Division</u></b>
<b>OPERATIONS POST-COVID-19</b>	)	<b><u>Standing Order 2020-04</u></b>
<b>PROTOCOLS.</b>	)	

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**RESUMPTION OF COURT POST-COVID-19  
JUVENILE DIVISION DELINQUENCY CASE PROTOCOLS**

As of June 1, 2020 and the Court able to hear more than emergency and essential matters, pursuant to the Illinois Supreme Court's Order of May 20, 2020 (In re Illinois Courts Response to COVID-19 Emergency, M.R. 30370, May 20, 2020) and the 22<sup>nd</sup> Judicial Circuit's Administrative Order of May 21, 2020, (2020-11, May 21, 2020), the Juvenile Division, when hearing the delinquency call, will resume operations in a way that (1) limits the number of people in a courtroom and in that wing of the courthouse at any one time, (2) allows for efficient court appearances and avoids unnecessary court appearances, (3) limits the amount of "in-person" counter filings of documents and their unnecessary duplication and circulation; and (4) takes advantage of processes that allow cases to progress through agreed orders.

**IT IS HEREBY ORDERED THAT** the following protocols shall be put into place:

**1. Tuesday and Wednesday Court Days.** Juvenile delinquency cases will continue to be heard on Tuesdays and Wednesdays, unless specifically scheduled by the Court. Juvenile Detention Hearings will continue to be scheduled as needed, pursuant to the statutory time-lines.

Pre-adjudicatory matters will generally be heard between 8:45 AM and 10:00 AM. Post-adjudicatory matters will generally be heard between 10:00 AM and 12:00 PM. Hearings, trials, dispositions, and sentencings will be heard between 1:30 PM and 4:30 PM.

**2. Case Load Limitations.** The court call shall be limited to a maximum of twenty (20) cases on any given morning (exclusive of minor-respondent's with multiple matters/cases), four (4) dispositions/sentencings, or one (1) hearing on motion, adjudicatory hearing/trial, on any given afternoon, unless specially scheduled by the court. Individuals appearing on any given case shall be limited to minor-respondents, respondent-parents/guardians and attorneys (exclusive of courtroom personnel, necessary parties/individuals and/or witnesses).

Courtroom 101's immediate waiting room shall be limited to a capacity of ten (10) individuals at any given time. Minor-respondents and respondent-parents/guardians are encouraged to wait in the parking lot and only enter the Judicial Center fifteen (15) minutes prior to their designated appearance time, or after contacted by the minor-respondent's attorney, indicating their case is about to be called. Cases will be called in the order in which they appear on the court call and at their designated time. If the case is called and a necessary participants is not present, the case will be re-called only after the court has proceeded through the remaining matters scheduled at the same time. If the matter is re-called at the end of its scheduled time and a necessary participate is not present, the matter will be re-called at the end of the court call.

**3. Implementation of an 8:45 AM Status Call.** The court call will begin at 8:45 a.m. hearing all juvenile delinquency, first appearance, pre-adjudication matters set for return on summons in which the minor-respondent or the minor-respondent's parents/guardians have been served with notice and ordered to appear in Courtroom 101 on those cases filed by the State's Attorney's Office subsequent to June 1, 2020.

4. **9:00 AM Status Call.** Cases that are pre-adjudication and scheduled for status, status of motion, or status of adjudicatory hearing/trial will be handled at 9:00 a.m. The court will expect that all such matters are handled quickly and efficiently. Although each of the minor-respondent's parents/guardians have a right to be present, the minor-respondent's attorney is encouraged to have only one parent/guardian appear in court with the minor-respondent.

5. **10:00 AM Review Call.** All reviews, status of petitions to revoke disposition/sentence and status of petitions for contempt will proceed at 10:00 a.m. Although each of the minor-respondent's parents/guardians are entitled to and have a right to be present, minor-respondent's attorney is encouraged to have only one parent/guardian appear in court with the minor-respondent. The Juvenile Division of McHenry County Court Services will have a "supervisor" appear on minor-respondent's cases, unless the responsible officer's presence is required or necessary. If the responsible officers presence is required or necessary, the Court will, if possible, utilize electronic means of communication prior to requiring that officers presence in open court

6. **11:00 AM Hearing Call.** Hearings on petitions to revoke disposition/sentence and petitions for contempt will now be heard at 11:00 a.m. If a hearing on these matters was previously-scheduled for 10:00 a.m., it will be moved to 11:00 a.m.

7. **1:30 PM Hearing Call.** All previously scheduled hearings on motions, adjudicatory hearings/trials and dispositions/sentencings previously scheduled, prior to the implementation of the "Continuity of Operations COVID-19 Pandemic Protocols" and currently set for status at 9:00 a.m., will be rescheduled to a future date, beginning at 1:30 p.m. Dispositions/sentencings will be scheduled every half-hour, beginning at 1:30 p.m., to a maximum of four (4) on any given afternoon, unless specifically scheduled by the Court.



**8. Schedule Going Forward.** Given the above, the delinquency court calls on Tuesdays and Wednesdays in the Juvenile Division will follow this schedule going forward:

TIME	ACTIVITY
8:45 a.m.	First appearance pre-adjudication matters set for return on summons and admonishment of rights.
9:00 a.m.	Pre-adjudication matters set for status, status of motion and/or status of adjudicatory hearing/trial.
10:00 a.m.	Post-adjudication, first appearance out of jurisdiction transfer cases coming in, or status of in jurisdiction transfer cases going out, reviews, status of petitions to revoke disposition/sentence and petitions for contempt.
11:00 a.m.	Hearings on petitions to revoke disposition/sentence and petitions for contempt.
1:30 p.m.	Hearings on Motions, adjudicatory hearings/trials and dispositions/sentencings or any other matter specially scheduled by the Court.

**9. 402 and Trial Conferences.** The Court will schedule 402 conferences and trial conferences at their convenience and at the convenience of the State's Attorney, minor-respondent's attorneys of record and the Juvenile Division of McHenry County Court Services and will strongly encourage, participation via electronic means. Assuming electronic appearances, 402 and trial conferences can be conducted prior to the 8:45 a.m. call, during the afternoon, or as specifically scheduled by the Court.

If the State's Attorney and the minor-respondent's attorney are requesting a conference pursuant to Illinois Supreme Court Rule 402, in those cases where the minor-respondent has not been previously admonished, he or she will be admonished and the matter will be rescheduled for a later date and time for the Court and attorneys to conduct the 402 conference. In the

alternative, respondent-minor's attorney may prepare an affidavit prior to appearing in court, executed by the minor, admonishing him or her that:

- a) That the minor-respondent's attorney has requested that the trial judge participate in the conference to determine whether or not the charge(s) which is/are pending against the respondent-minor can be resolved by an admission to the Petition for Adjudication of Ward-ship:
- b) That during the course of the conference the prosecutor will be present and advise the judge of the facts of the case as contained in the police reports or conversations with witnesses, that the minor-respondent's attorney will also be present and will advise the judge of any information the minor-respondent may have concerning the circumstances which led to the State's Attorney's Office filing the Petition for Adjudication of Ward-ship in the case.
- c) That without the conference, the judge would not learn about this information unless the case proceeded to adjudicatory hearing/trial.
- d) That the judge will also learn whether the minor-respondent has a prior criminal history, his or her driving record, whether the minor-respondent has any mental health issues, alcohol, drug and/or other substance use and misuse issues, the minor-respondent's academic status and history, work history, family situation, and other things which would bear on what, if any juvenile dispositional orders and/or if adjudication of ward-ship should be imposed upon the minor-respondent, as a result of his or her admission to one or more of the allegations in the Petition for Adjudication of Ward-ship.

- e) That these are things that the judge would not learn about unless the case went to adjudicatory hearing/trial and the minor-respondent was found responsible/guilty.
- f) That at the end of the conference, the judge may make a recommendation as to what an appropriate disposition would be.
- g) That the minor-respondent or the prosecutor is free to accept or reject the judge's recommendation. However, if the minor-respondent rejects the judge's recommendation and he or she wishes to have a trial on the Petition for Adjudication of Ward-ship, the minor-respondent may not obtain another judge solely on the basis that the judge participated in the conference and is aware of the facts and circumstances surrounding the incident as well as the minor-respondent's background. This means that the minor-respondent will be waiving his or her right to request a substitution of judge based upon the judge's knowledge of the case.
- f) That knowing all of these things the minor-respondent still wishes that the judge participate in this conference.

The affidavit may be presented in open court to the judge and prosecutor by minor-respondent's attorney, prior to conducting the 402 conference the same day. The 402 Conference will be held in the courtroom and off the record.

**10. Maintain Scheduling Limits.** In light of the creation of an 8:45 a.m. call, the Court will be mindful of promptly recessing no later than 12:00 PM in order to provide a sufficient break for courtroom staff. Additionally, the Court will work to ensure that cases are called and completed within the expected timeframe.



**11. Filing of Reports.** The Juvenile Division of McHenry County Court Services shall electronically file all reports with the McHenry County Circuit Clerk's Office, pursuant to: the Illinois Supreme Court's Order M.R. 18368; and the 22<sup>nd</sup> Judicial Circuit's Local Rule 21, utilizing the "eFileIL platform" at <https://il.i2file.net>.

**12. Courtroom Arrangements.** In the courtroom, counsel table and/or floor markings will be used to keep the minor-respondents, respondent parents/guardians attorneys appropriately distanced from one another in an effort to maintain social distancing requirements.

As necessary, attorneys, party-respondents and anyone appearing in the courtroom shall use P.P.E.'s and maintain social distancing, including sitting at least 6 feet apart in the gallery. Likewise, while in the Judicial Center, attorneys, litigants, and anyone else shall enter and exit courtrooms in a timely manner, avoid unnecessary appearances, and maintain social distancing while in the hallways and conference rooms. No one that is sick or experiencing any symptoms of illness should enter the building.

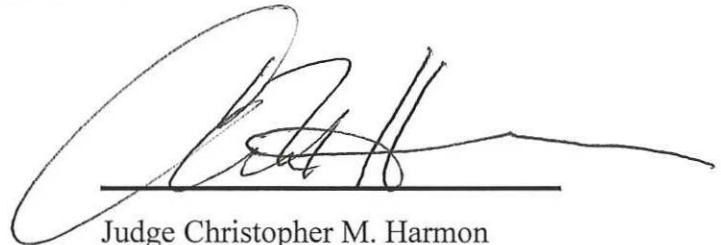
**13. Additional Protocols.** In conjunction with the above protocols, the Court respectfully requests the cooperation of the attorneys, respondent-parties, other necessary parties/individuals and any other individual required to appear in court with the following:

- A. Submit agreed orders for routine pre-adjudication matters, (other than requesting hearings on motions, other related matters and/or adjudicatory hearings/trials) such as returns on subpoenas and continuing negotiations. Additionally, agreed orders may be submitted for routine post-adjudicatory matters, such as reviews, where the minor-respondent's presence has been waived and requests for a continuance based upon transportation, illness etc. via [proposedorders@22ndcircuit.illinoiscourts.gov](mailto:proposedorders@22ndcircuit.illinoiscourts.gov), to the responsible judge's attention, remembering that the Juvenile Division of McHenry

County Court Services must be advised and in agreement and that the proposed agreed orders should be submitted at least 48 hours in advance to ensure review and entry on the court date, avoiding the necessity to appear in open court.

- B. Negotiations should be done outside of the Judicial Center, prior to court, to the greatest extent possible.
- C. Pre-hearing or pre-trial preparation with clients and witnesses should be done prior to court, outside the Judicial Center, to the greatest extent possible.
- D. Minor-respondents, respondent-parents/guardians, and witnesses should not come to the Judicial Center more than 30 minutes prior to their scheduled court time, and only enter the Judicial Center, no more than fifteen (15) minutes prior to their scheduled court time, unless exceptional circumstances exist.

Dated: May 27, 2020

A handwritten signature in black ink, appearing to read 'C. Harmon', is written over a horizontal line.

Judge Christopher M. Harmon  
Presiding Judge, Family Division,  
Assigned to Juvenile Court